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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,001	03/28/2000	Venkat V. Easwar	LS/0001.02	4778

7590

11/27/2006

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/537,001	<b>Applicant(s)</b> EASWAR ET AL.	
	<b>Examiner</b> Yogesh K. Aggarwal	<b>Art Unit</b> 2622	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

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**Examiner's response:**

1. Applicant argues with regards to claim 1 that Sodagar teaches away from constructing a layer, which includes a subset of bitplanes from a first band and a subset of bitplanes from a second band. The Examiner respectfully disagrees.

**Examiner's response:**

2. Applicant's specification on Pages 48 line 9 –Page 48 line 20, figure 5b defines a base layer 00 corresponding to bitplanes 1 through 4 of the lowest resolution level and Layer 10 may correspond bitplanes 5 and 6 of the lowest resolution level, and Layer 20 may correspond to the remaining two bitplanes (7 and 8). Layer 01 may store bitplanes 1 through 3 of the 3 bands corresponding to the next higher resolution level (320x240), Layer 11 may store bitplanes 4 through 5, and layer 21 may store the remaining bitplanes (6 though 8) for that resolution level. The lowest resolution level has a single band (LL) and the other resolution levels have 3 bands (LH, HL, HH) bands (Page 48 lines 7-8).

Therefore Layer 00 → LL band → bitplanes 1-4

Layer 10 → LL band → bitplanes 5-6

Layer 01 → bitplanes 1-3 of the LH, HL and HH bands and so on.

3. Similar to the Applicant's definition of layers comprising of bitplanes from different wavelet bands, Sodagar teaches in col. 18 lines 25-37,

**“the wavelet coefficients of the low-low bands are coded first, then the coefficients of the other low resolution bands are coded. Next, the coefficients of the next higher resolution are coded and put into a bitstream as illustrated in FIG. 23. The portions of (numbered from 1-10) the bitstream correlate to the bands as illustrated in FIG. 21. This method continues until the coefficients of the last high-high band are coded and placed into the bitstream. In sum, each resolution allocates or occupies a specific segment of the bitstream.”**

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Therefore wavelet coefficients (bitstreams) corresponding to different bands have been read as plurality of layers. Thus the coefficients generated from wavelet bands (as in Sodagar) are similar to the layers of a single image and the bitstreams corresponding to each band correspond to a subset of bitplanes. Following illustration describes the relation between bands, bitstreams and layers in Sodagar.

LL3 band (figures 21 and 17 of Sodagar) → bitstream 1 (figure 23, read as layer 00, wherein bitstream 1 includes different bits corresponding to different biplanes)

LH3, HL3, HH3 band (figures 21 and 17 of Sodagar) → bitstream 2-4 (figure 23, read as layer 01, wherein bitstream 1 includes different bits corresponding to different biplanes) and so on.

4. This clearly shows the equivalence between Applicant's definition of layers, bands and bitstreams and that of Sodagar.
5. Similar arguments apply to claims 36, 47 and 53 also.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

1. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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2. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA

November 11, 2006



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